89- 1709

No. _____

Supreme Court, U.S.
FILED
APR 17 1990
JOSEPH F. SPANIOL, JR.
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1989

REGINALD B. SNYDER

PETITIONER

v.

SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA, Mr. CHRISTOPHER LEWIS

RESPONDENT

PETITION FOR A WRIT OF CERTIORARI TO THE PENNSYLVANIA SUPREME COURT

SUPREME COURT OF PENNSYLVANIA Misc. # 39

PETITIONER (215) 343 -2454

REGINALD B. SNYDER
2672 Bristol Rd.
Warrington, Pa. 18976
-1404

RESPONDENT (717) 787 -7630

CHRISTOPHER LEWIS
302 North Office Building
Harrisburg, Pa. 17120

APPENDIX

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NOTE: SUBSQUENT ORDER FROM JUDGE SMITH ASSESSING COURT STENOGRAPHIC SERVICES OF 150.00 IS NOT INCLUDED IN THIS APPENDIX.

MEMORANDUM OPINION FILED: MARCH 20,1990
BY JUDGE SMITH

Before this court is the petition of Reginald B. Snyder to set aside the nomination petition of Jean T. Wilson, Candidate for the office of Representative to the General Assembly from the 144th Legislative District of Pennsylvania.

Petitioner has raised objections to notarization of Respondent's nomination petitions by a notary public, Patricia J. Daddis, who is employed on the staff of Respondent, contending that the employee is barred from acting as notary due to her direct interest in the outcome of the forthcoming May, 1990 primary election. Petitioner has failed to offer testimony or proof to support his objections.

Testimony presented by petitioner and Respondent demonstrate to the contrary inasmuch as Ms. Daddis has been employed by the Pa. House of Representatives since approximately 1977 having been employed in the office of Respondent since 1988. Her continued employment with the House of Representatives is determined not by the outcome of the election but rather by Republican Leadership of the House of Representatives, and Ms. Daddis fully expects to continue employment with the House of Representatives regardless of the outcome of the election. Therefore, a direct interest by Ms. Daddis in the May, 1990 primary election is not evident from the record, and thus any nomination petitions notarized by her will not be invalidated.

Objections were also raised to nomination petitions which purportedly were submitted to the Department of State without the required notary oath being given to the circulator affiant. The record lacks competent evidence to support this objection as well. Ms. Daddis testified that she properly notarized nomination petitions executed by affiants who personally appeared and signed in her presence. Counsel for the Respondent stipulated however that page 7 of the nomination petitions, containing five names, should be eliminated as the affiant did not personally appear before the notary.

Finally, Petitioner objected to page 28 of the nomination petitions which was circulated by Frank Lane but signed by Respondent as circulator.

A nomination petition will not be set aside where the circulator's affidavit is not signed by the actual circulator but by the candidate instead where as here the affiant's testimony showed sufficient knowledge as to persons signing the petition and that affiant did in fact confer with the actual circulator to determine compliance with requirements for circulator to determine compliance with requirements for circulation of nomination petitions. In Re Bunk, 120 Pa. Commonwealth Ct. 495 (1988), 548 A. 2d 1287; Petition of Defino, 25 Pa. Commonwealth Ct. 646, 362 A. 2d 467 (1976).

The evidence clearly established that Petitioner has failed to sustain his burden of proving objections which would support the setting aside of the nomination petition of Respondent Jean T. Wilson.

DORIS A. SMITH, JUDGE

IN RE: THE NOMINATION PETITION
OF JEAN T. WILSON, a Candidate
for the 144th Legislative
District,

REGINALD B. SNYDER,
Petitioner

) IN THE COMMONWEALTH COURT
) OF PENNSYLVANIA
)
)
) NO. 85 Misc. Dkt. 1990

O R D E R

AND NOW this 20th day of March, 1990, the Petition of Reginald B. Snyder to Set Aside the Nomination Petition of Jean T. Wilson is hereby dismissed. The Secretary of the Commonwealth of Pennsylvania is directed to certify the name of Jean T. Wilson to the proper election officials for inclusion on the ballot as a candidate for the office of Representative to the General Assembly for the 144th Legislative District of Pennsylvania

in the May 15, 1990 primary election, unless said candidate has withdrawn her nomination petition according to law.

The Prothonotary is directed to notify parties to this proceeding and counsel of record of this order and shall further certify a copy thereof to the Secretary of the Commonwealth of Pennsylvania.

Costs for stenographic services preformed at hearing in this matter shall be borne by Petitioner Reginald B. Snyder within thirty days of invoice to this Court by Foster Stenographic Services.

CERTIFIED FROM THE RECORD
AND ORDER EXIT
MARCH 22 1990

DORIS A. SMITH, JUDGE

C R Hostutler
Deputy Prothonotary- Chief Clerk

SUPREME COURT OF PENNSYLVANIA

MIDDLE DISTRICT

MILDRED E. WILLIAMSON
DEPUTY PROTHONOTARY

434 Main Capitol Build
P.O. Box 624
Harrisburg, Pennsylvania 17108
(717) 787- 6181

April 6, 1990

Reginald B. Snyder
2672 Bristol Rd.
Warrington, Pa. 18976-1404

In Re: Nomination Petition of Jean T. Wilson A Candidate for the 144th Legislative District.
Appeal of Reginald B. Snyder

No. 39 M.D. Appeal Docket 1990

Dear Mr. Snyder:

Enclosed please find certified copy of

Order for the above- captioned matter.

Sincerely yours,

MILDRED E. WILLIAMSON
DEPUTY PROTHONOTARY

cc: Dennis Sheffer,Esq. / Doris Smith / Cheif Clerk of Commwealth Court

IN THE SUPREME COURT OF PENNSYLVANIA

MIDDLE DISTRICT

IN RE: NOMINATION PETITION OF
JEAN T. WILSON,
A CANDIDATE FOR THE
144th LEGISLATIVE
DISTRICT

Appeal of Reginald B. Snyder

)
) No. M.D. Appeal Dkt. 1990
)

O R D E R

PER CURIAM:

AND NOW, this 5th day of April, 1990, the order of the Commonwealth Court is affirmed.

TRUE COPY FROM RECORD:
ATTEST: April 6, 1990

MILDRED E. WILLIAMSON, DEPUTY

PROTHONOTARY

CERTIFICATE OF SERVICE / VERIFICATION

I hereby certify that a true and exact copy of the foregoing appendix was sent first class mail to persons shown, and that all statements are true.

_____

Sworn and Subscribed This___ Day of _____ 1990.

By _____

Service to Dennis R. Sheaffer (717) 234-4121
111 North Front St.
P.O. Box 889
Harrisburg, Pa. 17108

And to Pa. State Supreme Court
434 Main Capitol Build.
P.O. Box 624
Harrisburg, Pa. 17108

Service By Reginald B. Snyder
2672 Bristol Rd.
Warrington, Pa. 18976 - 1404